



St. Louis Chapter Newsletter



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Upcoming Events

February - Lunch Meeting

Please join us for a Virtual Chapter Meeting! There is no cost to attend, but we do need you to register prior to the meeting. The St. Louis Chapter has purchased a Zoom subscription to allow a high quality experience.

When: **Feb 8th, 2021 12:00 PM Central Time**
Speaker: **Amy Nariskin, PhD**
Topic: **Valuing Diversity:
How to Navigate Cross-cultural Conversations**

<https://zoom.us/meeting/register/tJArcOGurjorE9Sp9I7v22969NOuw6hIsv1M>

Please register to receive information about joining the meeting.



ASSP FEBRUARY MTG

MONDAY, FEBRUARY 8th, 2021
Noon till 1:00 pm



SPECIAL GUEST SPEAKER

Amy S. Narishkin, PhD
Chief People Officer
Cell: +1 (314) 401 0051
Email: Amy@EmpoweringPartners.com
Blog: <https://www.EmpoweringPartners.com/blog/>
Intercultural Development Inventory® - Qualified Administrator

**Valuing Diversity:
How to Navigate
Cross-cultural Conversations**

REGISTER HERE

<https://zoom.us/meeting/register/tJArcOGurjorE9Sp9I7v22969NOuw6hIsv1M>

Upcoming Events

March - Lunch Meeting

Please join us for a Virtual Chapter Meeting! There is no cost to attend, but we do need you to register prior to the meeting. The St. Louis Chapter has purchased a Zoom subscription to allow a high quality experience.

When: **March 8th, 2021 12:00 PM Central Time**
Speaker: **Stephen McManus, Attorney at Law**
Topic: **Work Comp Update: All things COVID**

<https://zoom.us/meeting/register/tJIqdO6tqTMqG91PiYBtMDEMPyGXqWAOMSoh>

Please register to receive information about joining the meeting.

WORK COMP UPDATE
ALL THINGS COVID
Monday, MARCH 8th, 2021
NOON till 1 PM - Zoom Mtg

SPEAKER
Stephen McManus
Attorney at Law
McAnany, Van Cleave & Phillips

Topic Description:
This presentation will provide an update with regard to compensability of individuals diagnosed with COVID in the workplace, including impact of vaccinations and benefits under workers' compensation.

ASPP
AMERICAN SOCIETY OF SAFETY PROFESSIONALS

CLICK HERE TO REGISTER

WISH Zoom Event

You are invited to join the Women in Safety and Health (St. Louis's WISE Chapter) for an upcoming zoom. Click the image below for more information and to register.

**WEBINAR
NEW PRODUCT**

WISE
Women in Safety Excellence

**February 26th, 2021
10:00 AM**

**THE STRAPLESS
N95 MASK
THAT SEALS**

- ✓ Complete Perimeter Seal
- ✓ Comfortable, Easy to Breathe
- ✓ Hypoallergenic Medical Adhesive
- ✓ Eyeglasses Will Not Fog
- ✓ Guaranteed to Fit Everyone

NIOSH
NIOSH N95 #TC-84A-8423

On February 26th, 10:00 am, Global Safety First (GSF) will present their innovative NIOSH approved N95 respirator that uses a medical grade silicone adhesive to form a complete seal. They guarantee, when properly donned, everyone passes a fit test. GSF has offered to send each WISH member attending the presentation, a sample pack of 10 N95s for evaluation and testing.

CLICK HERE FOR SAMPLES

01 > ReadiMask Features

02 > Donning & Doffing

03 > QNFT & QLFT Experiences

04 > Questions & Answers

  John Schwind, Speaker
President, Global Safety First, LLC
www.readimask.com

 **REGISTER FOR THE MEETING** 

Calendar of Events

Your chapter officers and committee members are working hard to provide meaningful meeting topics for you throughout the year. Check out what's scheduled so far! If you have ideas on what should be covered, or want to share something yourself, please reach out to the chapter board and committee members (contacts at the end of this newsletter).

<u>Date</u>	<u>Meeting Topic & Presenter</u>
February 8th, 2021 Monday Lunch	Dr. Amy Narishkin
March 8th Monday Lunch	(No Professional Development Conference) Work Comp Update from Stephen McManus, Attorney at Law
April 12, 2021 Monday Lunch	Mark Woodward
May 10, 2021 Monday Lunch	Nicole Kreeger - Social Media
June 11, 2021 Friday Day	ASSP Scholarship Golf Tournament Fundraiser @The Prairies in Cahokia
July 12, 2021 Monday Lunch	J. Bradley Young, Harris Dowell Fisher & Young L.C. - Workers Compensation Update
August 9, 2021 Monday Lunch	Treasa Turnbeaugh
September 13, 2021 Monday Lunch	TBD
October 11, 2021 Monday Lunch	Total Worker Health
November 8, 2021	TBD
December 13, 2021 Monday Lunch	OSHA Update Speaker Bill McDonald (Area Director in St. Louis) or Maryanne Martin (Compliance Assistance Specialist) will provide his annual OSHA fiscal year update and quick review of new/old initiatives.

Inspecting EIFS, Old and New

~Bill Kincaid, P.E., CSP, CIT

Although some of us have never heard of EIFS, short for “Exterior Insulating and Finish System” and pronounced “EE-FISS”, we’ve all seen plenty of it. EIFS is a non-loadbearing sheeting product made of expanded polystyrene foam. It’s a very useful product in that it has thickness, and can be easily cut and shaped onsite, allowing imaginative exterior designs at a lower cost than, say, stone or stucco. Its negligible weight makes it easy to carry and handle on ladders and scaffolds. It also provides a little insulation value as a bonus. As a result, it’s very commonly used.

You may have seen construction projects where workers were applying what we would call “Styrofoam” sheets to the outside of a building. Once the white EIFS is in place, the tradespeople spread a coating over it to give it a durable pre-colored surface finish without a need to paint it. It’s often used on residential-type structures, whether single family or multi-unit buildings. It’s also used to upgrade older buildings, such as tired-looking strip malls in need of an economical facelift. When EIFS first hit the construction scene, it was a miraculous innovation. It made exteriors which would formerly have been impossible because they would be too difficult and too expensive suddenly both possible and affordable.

As great as all that sounds, EIFS was soon to be scandalized. Water infiltration behind barrier EIFS which had been installed with no allowance for drainage caused the panels to mold, buckle, delaminate, and more. Water-soaked wood framing became soft and unstable. Manufacturers and builders were subjected to numerous lawsuits, and a negative 1995 story on NBC’s “Dateline” made sure housing inspectors and insurance carriers would be pre-disposed to be wary of any building with EIFS on the exterior. Since the 1990s, building owners across the country have continued to file EIFS lawsuits seeking compensation. EIFS lawsuits have resulted in plaintiffs recovering tens to hundreds of thousands of dollars.

The scandal and aftermath led to some big changes in how the material is used, so newer installations made following the new standards are much better and more resistant to moisture infiltration than the older ones. However, none of them are leak-proof, at least not over a long time period.

Over time, sealants dry up and shrink, buildings shrink under their own weight and settle, wood and metal framing expands and contracts with the weather, and the elements, particularly the sun, take their toll on our best efforts to seal out water. Leaks can develop in gutters and downspouts, or they can stop functioning altogether due to accumulation of leaves and debris. And there can be physical damage from any number of causes which lets water in where it doesn’t belong. Understandably, then, new issues can develop even with better installation standards. If you throw in the wild card of installation contractors who refuse to do their work correctly because it takes longer, even brand-new EIFS can be a concern.

Recently, an insurance company’s engineer raised some questions about EIFS on some commercial buildings built using residential-type construction. He put recommendations into several survey reports to have the EIFS inspected every two years by a qualified inspector. It was a bit of a surprise, because some of the buildings in question have had both EIFS and property coverage for the past 35 years, and no carrier has ever said anything about inspections. In a way it was a first. But the engineer had a very good point. Given what we know, it seems perfectly sensible to inspect the EIFS.

It raised the questions: what does an EIFS inspection look like, and who does them? Not claiming to be an expert, I did a half a day researching and have assembled some basic information.

In the world of EIFS it seems there are two different types of inspectors. One type inspects new construction in progress to see if it is being done following good EIFS installation practices, hopefully catching errors and omissions before it’s too late. Another type of inspector has training in spotting areas of potential leakages in existing buildings, and in using non-destructive testing instruments to identify moisture leaks.

Inspectors often have certifications from either the EIFS Industry Manufacturers’ Association (EIMA) or the Exterior Design Institute. The EIFS Industry Manufacturers’ Association has an EIFS Education and Certificate Program and lists certified inspectors. The Exterior Design Institute certifies “Building Envelope and EIFS Inspectors” and “Moisture Analysts”. Although definitive information on inspectors wasn’t easy

to find, it seems like the Exterior Design Institute is more focused on older, existing installations whereas the EIMA is more about developing standards and verifying new installations.

Since our insurance engineer's recommendation was about inspecting older buildings, not new construction in progress, that's what we'll focus on here. New construction is certainly important even though there's not room to discuss it here. Obviously, when tricky techniques are critical to proper installation, we need to monitor what's being done on our construction project. In the case of EIFS, that's not a job for an amateur. The same applies to the inspection of existing buildings, a major challenge because all we can see is the outside.

So what is an inspection of an existing EIFS installation like? For starters, like any contractor, the inspector should provide a cost estimate which includes the scope of the work they will provide and describes the tools and technology which will be used in the inspection of each unique building. The inspector should also give us enough information about their education, training and experience to establish their qualifications to do this specialized work.

Some of the elements of an inspection of existing EIFS will vary depending on the specifics of the building being inspected. For every building inspected we should expect a **visual examination** of the condition of the EIFS/Stucco exterior sealants, flashing, windows, doors, roof-to-stucco transitions, parapets, gutters, deck-to-building connections, EIFS/Stucco terminations and any penetrations through the EIFS/Stucco. There should be random **electronic moisture scanning** of the building envelope as well as scanning of typical trouble areas, using moisture meter or IR scanning. Where there is indication of moisture using the non-destructive moisture meter or IR camera, then a moisture probe should be used to investigate further.

We should expect a report describing the strengths and weaknesses observed, and photographs of the specific area of concern as well as any relevant measurements or IR photos. There should also be descriptions of the corrective measures which should be taken. We will need good documentation to investigate whether the necessary repairs will be covered by insurance, among other possible uses of this report.

Note: many of the moisture leaks found in an inspection can be fixed by remediating the leaks involved and any areas where water has penetrated. It can be very expensive and unnecessary to tear off every square inch of EIFS on a building. Even if the EIFS was put on in the bad old days before drainage was factored in, if it's not leaking, it can probably be left alone. As always, the buyer should beware, and if an EIFS repair contractor automatically says a few isolated leaks must result in a total tear-off and replacement of all the EIFS, it should raise a red flag.

It turns out EIFS isn't a miracle. It's just like every other construction material – great when you do it right, but use it wrong, and there will be problems. Along with carefully monitored professional installation following current standards, periodic inspections by qualified inspectors should be part of the equation.

Scholarship Awards

~ Rob Miller

Congratulations to the following students for being the 2020 recipients of the ASSP STL Scholarship Awards. The support for our Annual Golf Tournament allows us to reward the hard work and dedications of these future safety professionals with \$2,000 towards their education.

- Chloe Darst – Murray State University
- Matt Morlen – Central Missouri University
- Jeffrey Loesche – Murray State University



PDC Request for Speakers

~ Dennis Pivin

The American Society of Safety Professionals (ASSP) and American Industrial Hygiene Association (AIHA) joint Professional Development Conference (PDC) will be held on Monday, November 15, 2021. At this point, we are "Covid Hopeful" that we will be able to meet in person, but are unsure at this point as to the format of the conference.

The Conference Committee welcomes your participation and proposals. The call for presentations has begun and proposals are now being accepted for the 2021 Conference.

The deadline for proposals is March 1, 2021

- Presentations are to be 1-2 hours in length including a Q and A session
- We hope that speakers will make their presentations available to attendees
- If you are interested in speaking, have your presentation title, proposed length of time, and brief description proposal submitted to the conference committee electronically at dpivin@aegion.com. Also include name, title, bio and contact information.
- The speaker's availability must be confirmed prior to submission of the proposal.
- Submissions will be reviewed and selected by the Conference Committee.
- All speakers will be contacted by March 31, 2021.

Due to limited budget, travel expenses and honoraria are not provided. We appreciate your support and understanding in this matter.

Please reach out to Dennis Pivin at dpivin@aegion.com with any questions as well as submit your proposal.

Missouri Work Comp Law Case Review

~ J. Bradley Young, Attorney, Harris Dowell Fisher & Young

The Industrial Commission issued an award in January in [Paxton v. Little Sisters of the Poor](#). In doing so, the Commission strengthened the ability for Employers/Insurers to assert the Post-Injury Misconduct Defense and avoid the payment of TTD and/or TPD benefits to a claimant following the termination of employment due to misconduct.

BRIEF FACTS

Claimant worked as a nurse in a senior care facility. She suffered a compensable accident and came back to work on light-duty status. While working light duty, claimant mistakenly allowed controlled medications to be left unlocked and unsupervised while she watched television with patients in an adjacent room in violation of company policy. Her employment was then terminated.

Employer asserted that it did NOT owe any amounts for TTD/TPD benefits following the termination of employment under Section 287.170.4, which states:

"If the employee is terminated from post-injury employment based upon the employee's post-injury misconduct, neither temporary total disability nor temporary partial disability benefits under this section or section 287.180 are payable. As used in this section, the phrase "post-injury misconduct" shall not include absence from the workplace due to an injury unless the employee is capable of working with restrictions, as certified by a physician."

The Administrative Law Judge ruled that the misconduct defense did not apply because the misconduct was accidental, rather than intentional. Further, the ALJ awarded TTD/TPD benefits after the claimant's employment was terminated.

COMMISSION REVERSES THE DECISION FROM THE ALJ

On appeal, the Industrial Commission reversed the ALJ's award pertaining to the misconduct defense, holding that the intention related to the misconduct was irrelevant:

"Employee violated employer's known policy as well as state safety regulations when she left a cart with controlled medications unlocked and out of her sight while she watched television with patients in an adjacent room. Irrespective of whether employee actually intended to harm employer's residents or whether any harm resulted from her actions we find that employee's irresponsible, dangerous, unlawful, admitted behavior constituted work connected misconduct pursuant to § 287.170.4 RSMo."

Based on this analysis, the Commission held that the Employer/Insurer did NOT owe any TTD/TPD benefits following the termination of employment.

PRACTICE POINT

If the claimant commits misconduct while working in a light duty capacity, regardless of whether that misconduct is intentional or unintentional, the Employer/Insurer will not owe TTD/TPD benefits following the termination of employment if the Employer can demonstrate that the claimant violated company policies AND that the misconduct was not based on absence from the workplace due to the work injury.

If you have any questions regarding this decision or if you would like to discuss how this decision might apply to any specific case you are currently handling, please let me know. ~ Brad

Greater St. Louis Safety and Health Conference - Oct 14, 2021

~ shared by Mary Beth Proost

Save the Date

18TH ANNUAL GREATER ST. LOUIS SAFETY AND HEALTH CONFERENCE

Thursday, October 14, 2021
Saint Louis University
Busch Student Center

Newsletter Contributions

~Dan Bembower

We are always looking for additions to the newsletter. If you have something to share with the St. Louis safety community, please reach out and let me know at either updates@stl.assp.org or contact me directly at dan.bembower@usi.com. Thanks for reading!

St. Louis Chapter Executive Board Contacts

President - Steve Williams - swilliams@frenchgerleman.com
Vice President - Dennis Pivin - DPivin@aegion.com
Secretary - Nate Richardson - nate.richardson.safety@gmail.com
Treasurer - Mae Patrick - stlassptreas20@att.net
Past President - Rick Reams - ricky_reams@hotmail.com

Mid-Missouri Section Officers

President - Mark Woodward - mwoodwar@mem-ins.com
Vice President - Paul Krewson - paul@peakergo.com
Secretary/Treasurer - David Attebery - david.attebery@labor.mo.gov

Chapter Committee Chairs

Website – Dave Callies – dcallies@kelpe.com

Maintains website with updated news, chapter events, and job postings

PDC Chair – Dennis Pivin – DPivin@aegion.com

Coordinates logistics of professional development activities

Membership – Dianne Gibbs – dianne@ideasftp.com

Ensures new members are recognized & introduced at membership meetings

Public Relations – Steve Williams – swilliams@bellelectrical.com

Promotes chapter activities to the general public. Coordinates poster contest

Newsletter – Dan Bemhower – dan.bemhower@usi.com

Publishes and distributes the chapter newsletter to all chapter members

Awards & Honors – Bill Kincaid – billkincaid@yahoo.com

Recognizes member achievement through chapter awards

Scholarship – Rob Miller – robertmiller91@yahoo.com

Promotes student scholarships & continuing education scholarships for members

Golf Scholarship – Sydney White – sydney.white@wwt.com

– Nick Zahner – nzahner@murphynet.com

Organizes and runs the annual golf tournament supporting local safety focused students

Programs – Tim Michel – tmichel@keeleycompanies.com

Plans the program time and needs for presentations & coordinates schedule

Social Media – JaNola Rigsby – jrigsby@qualsafesolutions.com

Maintains Face book & Twitter accounts promoting discussion with local membership

Please contact a board member or committee chair with comments or if you would like to participate in any of the chapter activities.

If you do not wish to receive these emails, please [click here](#)
to unsubscribe from ASSP St. Louis Chapter messages.

American Society of Safety Professionals | 520 N. Northwest Highway, Park Ridge, IL 60068